

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1179 of 2005

to

FIRST APPEAL No 1181 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SPL.LAQ OFFICER

Versus

GORDHANBHAI RAMABHAI PATEL

Appearance:

MR AD OZA, GOVERNMENT PLEADER for Appellant
..... for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 10/05/2005

COMMON ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

All these appeals are admitted. Mr. A.J. Patel who had appeared in the applications for condonation of delay appears in all these matters and waives notice of admission in all these appeals.

2. On the joint request of the learned counsel for the parties, all these matters are taken up today for final disposal and disposed of by this common order, as they arise out of the impugned common judgment and award passed by the learned Special Judge (L.A.R.) & 2nd Extra Assistant Judge, Ahmedabad (R) at Navrangpura in L.A. Case Nos. 620 to 622 of 1999. The notification under Section 4 of the Land Acquisition Act was published on 12th August, 1992 for the lands of Jamiyatpura village of the respondents. The Special Land Acquisition Officer passed his award under Section 11 of the Act on 24th November, 1994 and awarded only Rs.6.60 per sq.mtr. to the respondents against their claim of Rs.150/- per sq.mtr. Aggrieved of the same, they approached the Reference Court by way of references. The learned Reference Court partly allowed their reference cases and awarded additional sum of Rs.99/- per sq.mtr., in addition to Rs.6.60 per sq.mtr. already awarded by the Land Acquisition Officer. Thus, in all, Rs.105.60 per sq.mtr. was awarded to the respondents - claimants by the Reference Court by its impugned common judgment and award dated 2nd May, 2003. The same is challenged in all these appeals.

3. For this very village Jamiyatpura, other lands were also sought to be acquired for the purpose of Narmada Canal for which notification under Section 4 was issued on 7th April, 1988 wherein the Reference Court awarded Rs.75.30 per sq.mtr. which was challenged before this court by the Special Land Acquisition Officer by way of First Appeal Nos.7252 to 7267 of 1999, which were dismissed by the Division Bench of this court on 25th September, 2001. Relying on the same and other judgments, the Reference Court awarded, in this case, an additional sum of Rs.99/- per sq.mtr., in addition to Rs.6.60 per sq.mtr. awarded by the Land Acquisition Officer. Thus, in all, Rs.105.60 per sq.mtr. was awarded by the Reference Court relying on the Supreme Court judgments by applying multiplier of 10 because in this case, the notification was issued after a period of

four years i.e. on 12th August, 1992.

4. Once the judgment of the Reference Court delivered for the lands of same village is confirmed by the Division Bench of this court and not carried by the appellant in S.L.P. before the Supreme Court, then in our considered opinion, the Reference Court was right in relying upon the same and awarding additional sum of Rs.99/- per sq.mtr. to the respondents - claimants.

5. Learned Government Pleader, on instructions from Special Land Acquisition Officer Shri M.G. Parmar, who was present before the court, stated that they have accepted the judgment in those first appeals and already deposited the amount in those cases. In that view of the matter, there is no question of interference in these appeals.

6. In view of the above discussion, all these appeals fail and are hereby dismissed. However, there shall be no order as to costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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